

**DECLARATION AND POWER OF ATTORNEY**  
(Utility Patent Application)

As a below named inventor, I hereby declare:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below), of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Method and Apparatus to Determine and Use Audience Affinity and Aptitude

the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations section 1.56 (a).

I hereby claim foreign priority benefits under Section 119 of Title 35, United States Code for the above-identified US patent application based on the patent or inventor's certificate identified below and having a filing date before that of the US patent application for which priority is claimed:

<u>Application No</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed under 35 USC 119</u>
NONE			

I hereby claim the benefit under Section 120 of Title 35 of the United States Code of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by Section 112 of Title 35 of the United States Code, I acknowledge the duty to disclose material information, as defined in Section 1.56(a) of Title 37 of the Code of Federal Regulations, which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u> <u>Patented Pending Abandoned</u>
09/169,031	October 9, 1998	Pending

Power of attorney:

As a named inventor, I hereby appoint:

Michael B. Einschlag (Reg. No. 29,301)

as my attorney to prosecute this application and to transact all business in the United States Patent and Trademark Office in connection therewith.

Direct all correspondence to: MICHAEL B. EINSCHLAG  
25680 Fernhill Drive  
Los Altos Hills, California 94024.

Direct all telephone calls to: Michael B. Einschlag at (408) 748-5137.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor:

Full name: Hejna, Jr. Donald J.  
last first middle

Post Office address: 272 Del Monte Avenue  
post office & box number  
Los Altos, California 94022 U.S.A.  
city, state, zip code country

Residence address: 272 Del Monte Avenue  
street  
Los Altos, California 94022 U.S.A.  
city, state, zip code country

Citizenship: U.S.A.  
country

Signature:  Date: Sept 16, 1999

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) and 1.27(c)) – SMALL BUSINESS CONCERN**

Docket Number (optional)  
TSM-SC-CIP

Applicant or Patentee: Donald J. Hejna, Jr.

Serial or Patent No.: \_\_\_\_\_

Filed or Issued: \_\_\_\_\_

Title: Method and Apparatus to Determine and Use Audience Affinity and Aptitude

I hereby state that I am



the owner of the small business application identified below:

an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN ENOUNCE, INC.

ADDRESS OF SMALL BUSINESS CONCERN 2666 East Bayshore Road

Palo Alto, California 94303

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other where either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

☒

the specification filed herewith with title as listed above

☐

the application identified above

☐

the patent identified above

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization to which I have assigned, granted, conveyed or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☒

No such person, concern, or organization exists

☐

Each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Donald J. Hejna Jr.

TITLE OF PERSON SIGNING President

ADDRESS OF PERSON SIGNING 2666 East Bayshore Road, Palo Alto, California 94303

SIGNATURE  DATE Sept 16, 1999